ORIGINAL



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COMMISSIONERS

BRENDA BURNS

RATE INCREASE.

GARY PIERCE - CHAIRMA 2011 NOV -9 P 12: 19

IN THE MATTER OF THE APPLICATION OF

IN THE MATTER OF THE APPLICATION OF

COMPANY, LLC FOR APPROVAL OF A

MONTEZUMA RIMROCK WATER COMPANY, LLC FOR APPROVAL OF A

MONTEZUMA RIMROCKWATER

FINANCING APPLICATION.

BOB STUMP

SANDRA D. KENNEDY PAUL NEWMAN

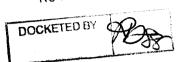
AZ CORP COMMISSION DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION

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DOCKET NO. W-04254A-08-0361

DOCKET NO. W-04254A-08-0362

STAFF'S RESPONSE TO INTERVENER'S SECOND SUPPLEMENT TO MOTION AND REQUEST FOR PROCEDURAL **CONFERENCE**

On November 2, 2011, Intervener John Dougherty filed a Motion to Investigate Ex Parte Communications ("Motion") related to information that Utilities Division Staff ("Staff") provided in its Response to Procedural Order that was filed on October 31, 2011. On November 2, 2011, Mr. Dougherty likewise filed a Supplemental to Motion to Investigate Ex Parte Communications ("Supplement"). On November 7, 2011, Staff filed its response to the Motion ("Response") recommending denial of the Motion as it is based on significant misunderstandings of fact and law. On November 7, 2011, Mr. Dougherty filed a Second Supplemental to Motion to Investigate Ex Parte Communications ("Second Supplemental"). In the Second Supplemental, Mr. Dougherty refers to copies of email communications between the Montezuma Rimrock Water Company ("MRWC") and Staff in order to renew the Motion and has accused individual Staff members of violating or conspiring to violate ex parte. For all the reasons stated in Staff's Response, the Motion continues to be meritless and should be denied. In order to dispel any further confusion and clarify the record,

1	Staff requests a procedural conference be scheduled at the earliest convenience of the Hearing				
2	Division in order to discuss the Motion and Staff's Response.				
3	RESPECTFULLY SUBMITTED this _	8th	day of	November	, 2011.
4		,		1/	
5			lul	4	
6		Attor	les H. Hains ney, Legal D		
7		1200	West Washi	ion Commission ngton Street	
8		(602)	nix, Arizona 542-3402	83007	
9					
10	Original and thirteen (13) copies of the foregoing filed this <u>8th</u> day of				
11	November , 2011, with:				
12	Docket Control Arizona Corporation Commission				
13 14	1200 West Washington Street Phoenix, Arizona 85007				
15					
16	Copy of the foregoing mailed this <u>8th</u> day of <u>November</u> , 2011, to:				
17	Patricia D. Olsen, Manager MONTEZUMA RIMROCK WATER COMPAN	NΥ			
18	P.O. Box 10 Rimrock, Arizona 86335				
19	Douglas C. Fitzpatrick				
20	Attorney for Montezuma Rimrock Water Compa 49 Bell Rock Plaza	any			
21	Sedona, Arizona 86351				
22	John Dougherty P.O. Box 501				
23	Rimrock, Arizona 86335				
24	Romania Orasia				
254	JUNEUNI CESTUE				
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